

EXHIBIT CC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

vs.

GOOGLE INC.,

Defendant.

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) Case No.:

) CV 10-03561 WHA

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HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF GEORGES SAAB

Palo Alto, California

Wednesday, December 16, 2015

Volume 1

Reported by:

RACHEL FERRIER

CSR No. 6948

Job No. CS2198917

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1 MR. RAMSEY: Objection; form.

2 BY MR. RAGLAND:

3 Q To your understanding?

4 A Because, basically, what we have to offer has
5 been stolen and given away for free, and so there is not
6 a market for us there.

7 Q Do you have an understanding as to whether or not
8 Android has a dominant position in the market for
9 operating systems for tablet computers?

10 MR. RAMSEY: Objection; form.

11 THE WITNESS: I believe that Android is extremely
12 prevalent, according to the statistics that I've seen
13 Google put out.

14 BY MR. RAGLAND:

15 Q In tablets?

16 A In tablets and in -- in phones.

17 Q Do you have any understanding as to whether or
18 not Android or Apple's iOS is the dominant operating
19 system for tablet computers currently?

20 MR. RAMSEY: Objection; form.

21 THE WITNESS: I don't know.

22 BY MR. RAGLAND:

23 Q If you were to -- if you were to make your best
24 guess as to which is more prevalent, Apple iOS or Google
25 Android in tablets, what would it be?

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1 MR. RAMSEY: Objection; form.

2 THE WITNESS: I would guess that it is Android in
3 the same way that Android is -- is used in a lot more
4 phones, and by "a lot more," people on phones, but I
5 don't know the exact statistics.

6 BY MR. RAGLAND:

7 Q You referred to focusing on the general embedded
8 space.

9 What -- what did you -- what did you mean by
10 that?

11 A I mean use in embedded devices, as I've talked
12 about earlier, you know, smaller -- smaller devices,
13 things like kiosks and other things like that, ATMs,
14 etc., automotive possibly; although, that is also
15 becoming increasingly difficult.

16 Q You said that's becoming increasingly difficult.

17 By that you mean automotive?

18 A Yes.

19 Q Why is automotive becoming increasingly
20 difficult?

21 A Because Android is trying to work its way into
22 that area as well.

23 Q Do you think that Oracle has taken any missteps
24 with regards to its efforts to reach the automobile
25 market?

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1 MR. RAMSEY: Objection; form.

2 THE WITNESS: I don't think Oracle has
3 necessarily taken any missteps. I think Oracle has --
4 has worked very hard and -- and -- and made really,
5 really good products available to that market.

6 BY MR. RAGLAND:

7 Q Are you aware of any instance in which there were
8 some mistakes made with regards to a Oracle relationship
9 with a potential customer in the automobile market?

10 MR. RAMSEY: Objection; form.

11 THE WITNESS: No.

12 BY MR. RAGLAND:

13 Q Or an actual customer in the automobile market?

14 MR. RAMSEY: Objection; form.

15 THE WITNESS: I'm not aware of any.

16 MR. RAMSEY: Let me get my objections in.

17 THE WITNESS: Oh, sorry.

18 MR. RAMSEY: For everybody.

19 MR. RAGLAND: I forgot your break request, but we
20 can take a break now; that's fine.

21 MR. RAMSEY: Okay. Thank you.

22 THE VIDEOGRAPHER: This marks the end of DVD 1 to
23 the deposition of Georges Saab. The time is 10:35 a.m.

24 Counsel, we are going off the record.

25 (Recess taken.)

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1 THE VIDEOGRAPHER: Counsel, this now begins DVD 2
2 to the deposition of Georges Saab.

3 The time is 10:46 a.m., and we are now on the
4 record.

5 BY MR. RAGLAND:

6 Q Mr. Saab, before the break, you had made
7 reference to difficulty that Oracle had competing in the
8 tablet and phone markets.

9 My question now is: Can you identify any
10 potential Java licensee who chose Android over Java?

11 A I believe there are several who have done that.
12 I think a couple that come to mind are RIM and Amazon.

13 Q Any others?

14 MR. RAMSEY: Objection; form.

15 THE WITNESS: I'm not familiar with all of the
16 licensees we have and the things they do. I would
17 suggest a good person to ask about that would be our
18 sales folks.

19 BY MR. RAGLAND:

20 Q And I'm just asking for your knowledge as you sit
21 here today.

22 A I understand.

23 Q You are aware of -- you believe that RIM,
24 Research in Motion; right?

25 A Yes.

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1 Q Did you have any input into the creation of
2 Exhibit 1346, to your recollection?

3 A My recollection -- oh, I'm sorry, of this entire
4 exhibit?

5 Q That's correct.

6 A I believe I gave feedback on the sections that
7 had to do -- the specific sections that had to do with
8 Java SE at that point and possibly a little bit of -- of
9 feedback on some of the other areas.

10 Q What other areas do you think you gave feedback
11 on?

12 A I -- what I mean by that is I was probably given
13 drafts of this and just looked through the -- looked to
14 see if there was something I thought was strange or
15 completely wrong, I may have made comments on it.

16 Q As of July of 2012, did you have an opinion as to
17 whether or not Android was a good fit for the embedded
18 M2M space?

19 MR. RAMSEY: Objection; form.

20 THE WITNESS: I don't recall that I had an
21 opinion on that.

22 BY MR. RAGLAND:

23 Q Do you have an opinion today?

24 MR. RAMSEY: Objection; form.

25 THE WITNESS: I have an impression. I would say

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1 that it's a very general impression.

2 BY MR. RAGLAND:

3 Q What is that very general impression?

4 A I would say that as the technology currently is,
5 it seems as if it is poised to go downstream to smaller
6 devices and to try to compete for -- for that market.

7 Q You said --

8 A I think it's --

9 Q -- it's poised to go downstream and try to
10 compete.

11 Does that mean, to your understanding, currently,
12 Android does not compete with Oracle in the embedded M2M
13 space?

14 A No. I think that it does; although, you know, I
15 can't -- I -- I can't tell you specific devices or areas
16 where it currently does that.

17 Q Can you identify anything that forms the basis of
18 your opinion that Android does compete with Oracle in
19 the embedded M2M space?

20 A I would say that I -- I have heard from, as an
21 example, specific companies in the automotive industry
22 that have considered or are considering Android as -- as
23 potential technology that they might use in competition
24 with Oracle technologies.

25 Q What companies?

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1 A I believe we have seen German car manufacturers
2 and suppliers to German car manufacturers, as well as
3 Japanese car manufacturers and suppliers to car
4 manufacturers.

5 Q What German manufacturers?

6 A I believe we have seen it from the [REDACTED]
7 group.

8 Q Anyone else?

9 A I believe -- I don't know as far as other German
10 car manufacturers.

11 Q How about Japanese car manufacturers and
12 suppliers; which ones?

13 A I'm trying to remember. I don't remember exactly
14 which ones.

15 Q Any of the large ones? Toyota? Honda? Any of
16 those come to mind?

17 A I -- I don't recall exactly which ones. I would
18 suggest that you -- you know, for more detail on that,
19 you could definitely speak with our sales folks, like
20 Mike Ringhofer.

21 Q Are you familiar with a company called [REDACTED]

22 A Yes, I am.

23 Q That's a supplier -- Japanese supplier?

24 A Yes, they are.

25 Q Okay. Is [REDACTED] one of the suppliers you had in

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1 mind in -- in response to the question about --

2 A I believe -- I believe that may have been one,
3 yes. I have spoken with them. I don't recall in detail
4 the -- all of the discussions that we had.

5 Q What have you spoken to [REDACTED] about?

6 A As I just said, I don't recall in -- in detail
7 what we have talked about.

8 Q Sure. But, generally, I mean, you must have --
9 you must -- you called or spoke for some reason.

10 Do you have a general idea of what it was about?

11 A Yeah, so from time to time, the sales team, if
12 they are meeting with a particular customer or if I'm
13 visiting a particular region, will set up meetings with
14 customers or potential customers.

15 And so in cases like that, you know, typically
16 the function that I play is to tell them about the
17 things that we are currently working on, the roadmap of
18 things that we are looking at for the future, and answer
19 any questions that they might have about that.

20 Q To your knowledge, has [REDACTED] expressed any
21 interest in forming some sort of business relationship
22 with Oracle?

23 A I don't recall exactly. You should ask the sales
24 folks.

25 Q So you don't know one way or the other whether or

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1 THE WITNESS: I believe in -- in July of 2012, I
2 felt that, from a technical perspective, Oracle had
3 great technology that had the potential to -- to make a
4 large difference in this area.

5 BY MR. RAGLAND:

6 Q How about today; do you still feel that way?

7 A I still feel that Oracle has excellent technology
8 that can be brought to bear in making solutions for this
9 area.

10 Q Do you believe that Oracle is positioned to make
11 a large difference in this area today?

12 MR. RAMSEY: Objection; form.

13 THE WITNESS: I believe that competing in this
14 area becomes very difficult when your competitors have
15 stolen your technology and made it available to this
16 market for free.

17 BY MR. RAGLAND:

18 Q So by that statement that we have heard a few
19 times today, I take it that you are referring to the use
20 of 30 -- the sequence, structural, organization of 37
21 Java APIs in Android; right?

22 MR. RAMSEY: Objection; form.

23 THE WITNESS: I am talking about using
24 copyrighted APIs, copying those and making them
25 available for free.

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1 BY MR. RAGLAND:

2 Q So I'm trying to understand.

3 So is it your belief that Oracle's ability to
4 compete in the Internet of Things market is somehow
5 undermined by Google's use of 37 APIs from Java?

6 A Yes.

7 Q And -- and -- and how is that.

8 A Because the use of those APIs has gotten momentum
9 around a platform that has made it possible for that to
10 be extended into other areas that directly compete with
11 Oracle's business.

12 Q But can you name any third party in the M2M space
13 which has chosen Android over Java?

14 MR. RAMSEY: Objection; form.

15 THE WITNESS: No. You would be better off asking
16 Henrik about that.

17 BY MR. RAGLAND:

18 Q Yeah, but, I mean, you are here. I'm asking you.

19 So the answer is no; correct?

20 A No.

21 Q It's your belief that Mr. Stahl is more familiar
22 with Oracle's solutions and its competitors in the M2M
23 Internet of Things market than you are?

24 A Yes.

25 MR. RAGLAND: Could you please mark this next in

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1 order.

2 (Exhibit 1398 was marked for
3 identification by the Court Reporter.)

4 THE WITNESS: Thank you.

5 BY MR. RAGLAND:

6 Q Take a look, please, Mr. Saab at what's been
7 marked as Exhibit 1398.

8 A Mm-hmm.

9 Q And my first question is whether or not you
10 recognize this document?

11 A So this looks like a briefing document that would
12 have been sent to me prior to a meeting with [REDACTED]

13 Q You have seen this before?

14 A Probably.

15 Q You would have received this in the normal course
16 of your duties at Oracle; correct?

17 A Yes.

18 Q If you look at this briefing information under
19 the bold, in about middle of the page, it says: [REDACTED]
20 is No. 1 supplier of automotive OEMs in the world and
21 have excellent products and engineers.

22 A Yes.

23 Q Fortunately, [REDACTED] is now evaluating Java SE,
24 dash, E8 of QNX ARM?

25 A Yes.

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1 A I don't know exactly what he's trying to say
2 there, so it's hard to say whether I had an opinion on
3 it.

4 Q Do you have an opinion as to whether or not
5 Oracle needs to have a product to fill the Android space
6 in order to accomplish anything from litigation against
7 Google?

8 A That -- that's a very hypothetical question. I'm
9 sorry, could you repeat it?

10 Q Do you have an opinion as to whether or not
11 Oracle needs to have a product to fill the Android space
12 in order to accomplish anything from litigation against
13 Google?

14 A I think that entirely depends on the outcome
15 of -- of the case.

16 Q Does Oracle have any product that might fill the
17 Android space currently?

18 MR. RAMSEY: Objection; form.

19 THE WITNESS: I think that Oracle and Sun,
20 together with the Ecosystem that worked on Java, had --
21 would have had the ability to build something that
22 worked into that space over the years that have led up
23 to now had Android not taken technology from Java and
24 made it available in a way that was intended to quickly
25 build up market tolerance.

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1 MR. RAGLAND: All right. Move to strike as
2 nonresponsive.

3 MR. RAMSEY: And Oracle America opposes that
4 motion. The answer was responsive to the question.

5 BY MR. RAGLAND:

6 Q Does Oracle have any product that might fill the
7 Android space currently?

8 MR. RAMSEY: Objection; form.

9 THE WITNESS: Oracle Java products can be used to
10 build exactly this kind of functionality.

11 BY MR. RAGLAND:

12 Q If you look at the next paragraph, Mr. Hohensee
13 writes, near the end of that paragraph: Once they have
14 SE equivalence, which they can get by adopting all of
15 the Harmony implementation -- remember, they don't care
16 about compatibility -- they will have a complete Java
17 fork with with [sic] to compete on server.

18 What was your understanding of what Mr. Hohensee
19 was referring to there?

20 MR. RAMSEY: Objection; form.

21 THE WITNESS: My reading of this is that
22 Mr. Hohensee was concerned that it would be possible for
23 Android to be taken up -- up market to compete with
24 Java SE on desktops and servers, in addition to locking
25 us out of the mobile market.

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1 BY MR. RAGLAND:

2 Q If you turn to the next page, please. At the top
3 of the page, the second line there says: Java ME does
4 not support all the Java SE 5, 6, and 7 language
5 features.

6 Do you see that?

7 A Yes, I do.

8 Q Was that a true statement as of November 30th,
9 2010?

10 A That is my understanding.

11 Q How about today; is that still true?

12 A No, that is not true.

13 Q Does Java ME now support all of the Java SE
14 language features?

15 A Could you be more precise?

16 Q No, I actually can't.

17 A Okay.

18 Q You said that this -- as of 2010, Java ME did not
19 support all of the Java SE language features; right?

20 A No. I said Java ME does not support all of the
21 Java SE 5, 6, and 7 language features.

22 Q All right. So does Java ME now support some
23 version of Java SE's language features?

24 MR. RAMSEY: Objection; form.

25 THE WITNESS: Yes. Java ME now supports Java --

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1 BY MR. RAGLAND:

2 Q You say in here, in your e-mail, that's about
3 halfway down the page at January 29th, 2015, at
4 2:59 p.m.: It, meaning dropping of JavaFX Embedded
5 support, will, of course, hurt the embedded sales
6 effort. This was known when the decision was made to
7 reduce cost in this area by RIFing the team in Israel
8 responsible for it.

9 When was the decision made to reduce the force in
10 Israel that was responsible for support of JavaFX Embed?

11 MR. RAMSEY: Objection; form.

12 THE WITNESS: I believe it was sometime in mid
13 to -- in late/mid-2014.

14 BY MR. RAGLAND:

15 Q At that time, did you know about the plan related
16 to the reduction of force before it happened?

17 A Yes, I did.

18 Q Did you express any concerns at the time about
19 the effect that might have on the embedded sales effort?

20 A I believe that I made it -- I -- I did bring up
21 the fact that the particular technology that the -- this
22 team that was let go was working on -- that we would not
23 be able to continue to bring that forward if the team
24 was let go.

25 Q Who did you express that to?

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1 A To Inderjeet Singh.

2 Q What was Mr. Singh's response?

3 A Well, this is something that we looked at
4 together, and our general assessment of the way that
5 sales were going in this particular area of embedded was
6 that there was an extremely, extremely long cycle of
7 prototyping with a notion that, at the end of it, there
8 would be a huge payoff, and what we were finding at the
9 time was that other technologies, such as Android, were
10 coming in -- into the picture in competition with us in
11 these areas and basically trying to muscle us out.

12 So our assess- -- our assessment was that, you
13 know, because of this, we just didn't -- didn't have a
14 great opportunity to do business for this particular
15 kind of application for embedded.

16 Q What is this particular kind of application for
17 embedded that you are referring to?

18 A I believe this is an automotive solution for
19 infotainment.

20 Q Approximately how long has Oracle been offering
21 an automotive solution for infotainment?

22 MR. RAMSEY: Objection; form.

23 THE WITNESS: I take it you are including Sun in
24 that?

25 MR. RAGLAND: Sure.

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1 THE WITNESS: I don't know when they started.
2 Certainly, Java technology has been interesting for this
3 kind of area as -- as long as it's been around.

4 BY MR. RAGLAND:

5 Q 2008 or before?

6 A I don't know exactly when.

7 Q Well, actually, Java is more 1990s; right?

8 A Yeah, but I don't know when the automotive
9 industry started, you know, doing all of that stuff in
10 software.

11 Q On the next page of Exhibit 1407, if you take a
12 look at the top there, Bhagat Nainani --

13 A Yes.

14 Q -- writes: Sorry for joining the thread late.
15 Have we already communicated this to Scott? I am
16 assuming Georges would have to talk to him since this is
17 mainly related to SE.

18 Is that accurate, that this situation with
19 regards to dropping FX Embedded is mainly related to SE?

20 MR. RAMSEY: Objection; form.

21 THE WITNESS: I don't think that Bhagat is
22 talking about SE Embedded. I think he's talking about
23 the [REDACTED] interest in particular.

24 BY MR. RAGLAND:

25 Q Okay. How is that mainly related to SE?

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1
2
3 I, the undersigned, a Certified Shorthand
4 Reporter of the State of California, do hereby certify:

5 That the foregoing proceedings were taken before
6 me at the time and place herein set forth; that any
7 witnesses in the foregoing proceedings, prior to
8 testifying, were placed under oath; that a verbatim
9 record of the proceedings was made by me using machine
10 shorthand which was thereafter transcribed under my
11 direction; further, that the foregoing is an accurate
12 transcription thereof.

13 I further certify that I am neither financially
14 interested in the action nor a relative or employee of
15 any attorney or any of the parties.

16 IN WITNESS WHEREOF, I have this date subscribed
17 my name.

18
19 Dated: December 20, 2015
20
21

22 _____
23 RACHEL FERRIER

24 CSR No. 6948
25